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| 09/847,002 | 05/01/2001 | Hyung-Chul Kim | 678-600 (P9393) | 4813 |

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| 2174 | 7 |

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _05 April 2004_.

2a)☒ This action is **FINAL**.    2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _1-8_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-8_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *  c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

1.      This communication is responsive to Amendment A, filed 4/5/04.

2.      Claims 1-8 are pending in this application. Claims 1, 4 and 6 are independent claims; and

claims 6 and 7 have been amended. This action is made Final.

3.      The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.


### *Claim Rejections - 35 USC § 102*

4.      Claims 6-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al.

("Smith", US 5,923,327).

As per claim 6, Smith teaches a method for editing a main menu configuration in a

mobile telephone comprising: displaying a menu edit screen, if a menu edit submenu is selected;

displaying a menu configuration submenu, if a menu configuration edit submenu is selected;

editing a menu configuration by newly selecting submenus of the menu configuration submenu;

inputting titles of the newly selected submenus and storing the edited menu configuration with a

title input by a user Smith: fig. 8A, *users may edit a directory/menu configuration by selecting*

*an option on the submenu such as "NEW NAME", "DELETE NAME" or "CREATE CARD";*

fig. 13A; col. 9, line 66 through col. 10, line 8, *if information icon 1211 is selected, a menu*

*configuration submenu/EBC is displayed, and users may then edit or add any field of the*

*submenu and input titles of the newly selected submenus, e.g. an identifying name such as a*

*person's name is given to the entry "ARLAN ANDERSON", in order to edit the directory/menu*

*configuration*).

As per claim 7, the modified method of Smith and Smethers teaches a method for editing

a main menu configuration in a mobile telephone comprising displaying the menu configuration

titles edited by a user, if a menu configuration select submenu is selected on the menu edit screen

and changing the main menu configuration displayed on a display of the mobile telephone to the

edited menu configuration selected by a user (figs. 7-10; col. 6, line 65 through col. 8, line 10;

col. 9, line 66 through col. 10, line 8; *the main menu configuration is changed accordingly to*

*users editing the submenu/EBC*).      .   _ _   _   .   _ _          _          .


### *Claim Rejections - 35 USC § 103*

5.      Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al.

("Smith", US 5,923,327) in view of Smethers (US 6,463,304 B2).

As per claim 1, Smith teaches a method for changing a menu icon in a mobile telephone,

the method comprising:

downloading menu icon data from a web server connected to a network (col. 11, lines15-

16 and col. 6, lines 61-62);

converting the menu icon data to icon form suitable for a display of the mobile telephone

and storing the converted menu icon data as menu icons (figs. 6 and 8-10; col. 6, lines 59-64);

upon receipt of an icon set change request from a user, displaying a set of the stored icons

(col. 7, lines 26-27 and lines 48-49); and

displaying desired ones of a set of the menu icons by selection of the user on a main

menu screen (col. 7, lines 51-52).

Smith does not explicitly disclose the web server connected to an IP network. Smethers teaches a

method comprising a mobile telephone wherein the mobile telephone is coupled to a server

connected to an IP network (col. 5, lines 14-18). Therefore, it would have been obvious to an

artisan at the time of the invention to include Smether's mobile telephone wherein the mobile

telephone is coupled to a server connected to an IP network  to Smith's mobile telephone

wherein the mobile telephone is coupled to a server connected to an communications network in

order to provide users with an implementation preference.

As per claim 2, the modified method of Smith and Smethers teaches a method for

changing a menu icon in a mobile telephone wherein in the downloading step, the menu icon

data downloaded from the web server is transmitted to an SMS center and the SMS center

transmits the menu icon data together with SMS data to the mobile telephone through a base

station transceiver subsystem (BTS) (Smith: col. 11, lines 10-14).

As per claim 3, the modified method of Smith and Smethers teaches a method wherein

the menu icon data is segmented into a plurality of SMS data before transmission and is

reassembled into original menu icon data at the mobile telephone (Smith: figs. 6 and 8-10; col. 4,

lines 64-67; col. 11, lines15-16 and col. 6, lines 61-62; col. 7, line 26 through col. 8, line 10).

As per claim 4, the modified method of Smith and Smethers teaches a method for

changing a menu icon in a mobile telephone comprising editing a main menu screen

configuration by selecting desired ones of icons stored in a database, downloading the selected

menu icon data through a cable or wireless LAN connected between the database and the mobile

telephone and changing the downloaded menu icon data to prescribed menu icons displayed on a

main menu screen (Smethers: col. 5, lines 14-18; Smith: col. 7, line 26 through col. 8, line 10;

col. 11, lines 12-16; col. 8, lines 22-23; col. 6, lines 40-44; i.e., *editing a main menu screen*

*configuration by selecting desired ones of icons stored in a database as CLID or CLID and EBC*

*data wherein changing the downloaded menu icon data to prescribed menu icons displayed on a*

*main menu screen is inherent given that users are able to view the data*).

6.      Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al.

("Smith", US 5,923,327) in view of Smethers (US 6,463,304 B2) as applied in claim 1

        -As per claim 5, although the modified teaching of Smith and Smethers teaches a method

for changing a menu icon in a mobile telephone wherein the mobile telephone is coupled to an IP

network and is in communication with a computer  and wherein the editing comprises accessing

and selecting menu icons and editing the menu screen configuration using the menu icons stored

in a computer database, the modified Smith and Smethers does not explicitly disclose that the

menu icons are selected and downloaded from an icon providing Web site using a personal

computer. Official Notice is taken that selecting and downloading menu icons from an icon

providing Web site using a personal computer is well known in the art. Therefore, it would have

been obvious to an artisan at the time of the invention to include selecting and downloading

menu icons from an icon providing Web site using a personal computer to the modified teaching

of Smith and Smethers wherein selection and downloading of menu icons stored in a computer

database in order to provide users with an alternative source for downloading data.

7.      Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al.

("Smith", US 5,923,327) in view of Kenagy et al. ("Kenagy", US 5,842,124)

As per claim 8, Smith teaches a method for editing a main menu configuration in a

mobile telephone comprising access to a menu edit submenu and displaying the menu edit

submenu. Smith does not explicitly disclose an edit submenu wherein prior to accessing the

menu edit submenu, users are requested to input an input lock code wherein determination is

made whether the inputted lock code is identical to a prescribed lock code to display the menu

edit submenu. Kenagy teaches a mobile telephone users may designate a password to

correspond with a different storage area or correspond to varying levels of programming access

(col. , lines ; *i.e. a first password permitting user access only to the user-programmable system*

*parameter storage area 130 while a second password may permit user access to the semi-*

*permanent system parameter storage area 128 in addition to the user-programmable system*

*parameter storage area*). Therefore, it would have been obvious to an artisan at the time of the

invention to include Kenagy's teaching of a mobile telephone users may designate a password

to correspond with a different storage area or correspond to varying levels of programming

access to Smith's method for editing a main menu configuration in a mobile telephone in order

to provide a user with a method that prevents selected content from being over-written.


### *Response to Arguments*

8.      Applicant's arguments filed in Amendment A have been fully considered but they are not

persuasive.

Applicant argued the following:

(a) There is no section of Smith that teaches the recitations for editing a main menu

configuration.

(b) Neither Smith nor Smethers teach downloading menu icon data.

The examiner disagrees for the following reasons:

Per (a), in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., editing a <u>main</u> menu) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, users may edit/populate a main menu/electronic address book directory via the modified Smith's edit submenu screen, which allows editing entries in the main menu/electronic address book directory (Smith: fig. 8A, *users may edit a directory/menu configuration by selecting an option on the submenu such as "NEW NAME", "DELETE NAME" or "CREATE CARD"*; fig. 13A; col. 9, line 66 through col. 10, line 8, *if information icon 1211 is selected, a menu configuration submenu/EBC is displayed, and users may then edit or add any field of the submenu and input titles of the newly selected submenus, e.g. an identifying name such as a person's name is given to the entry "ARLAN ANDERSON", in order to edit the directory/menu configuration*).

Per (b), the modified Smith does teach downloading menu icon data. The modified Smith teaches a method for changing a menu icon in a mobile telephone (figs. 8A, 10 and 13A; col. 9, line 66 through col. 10, line 8) wherein users of the system download an EBC including location icons such as home, work, cellular, email and fax icons (Smith: fig. 6; col. 11, lines15-16 and col. 6, lines 61-62).

## *Conclusion*

9.     **THIS ACTION IS MADE FINAL.**  Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.  In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

1.136(a) will be calculated from the mailing date of the advisory action.  In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the mailing date of this

final action.

## *Inquires*

10.     Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Examiner Lê whose telephone number is **(703) 305-7601**.  The

examiner can normally be reached on Monday - Friday from 5:30 am to 2:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are

as follows:

(703) 872-9306  [Official Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN
Patent Examiner
June 9, 2004

*Kristine Kincaid*

KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
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